



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,816	03/05/2002	Masamichi Akashi	03500.016251	3000

5514 7590 07/03/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

HUNTSINGER, PETER K

ART UNIT PAPER NUMBER

2625

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/11/06 have been fully considered but they are not persuasive.

The applicant argues on pages 16 and 17 of the response in essence that: Fan et al. and Nakagawa et al. do not teach notifying a port number corresponding to the kind of data process.

- a. Fan et al. disclose port numbers that correspond to a kind of data process (col. 2-3, lines 65-67, 1-7). Fan et al. do not disclose expressly notifying a port number. Nakagawa et al. disclose notifying a port number (col. 6, lines 19-27).

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22 and 37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 22 and 37 are drawn to material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

“Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized.”

Claims 22 and 37, while defining a recording medium, does not define a “computer-readable medium” and is thus non-statutory for that reason. A recording medium can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on “computer-readable medium” in order to make the claim statutory.

Further, Claims 22 and 37 are drawn to a computer implemented process that merely manipulates data or an abstract idea, or merely solves a mathematical problem without a limitation to a practical application in the technological arts.

In order for a claimed invention to accomplish a practical application, it must produce a “useful, concrete and tangible result” *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (see MPEP 2106.II.A). A practical application can be achieved through recitation of “a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan”, or “limited to a practical application within the technological arts” (MPEP 3106 IVB2(b)). Currently, claims 22 and 37 meet neither of these criteria. In order for the claimed process to produce a “useful, concrete and tangible” result, recitation of one or more of the following elements is suggested:

- The manipulation of data that represents a physical object or activity transformed from outside the computer (MPEP 2106 IVB2(b)(i)).
- A recitation of a physical transformation outside the computer, for example in the form of pre or post computer processing activity (MPEP 2106 IVB2(b)(i)).
- A direct recitation of a practical application in the technological arts (MPEP 2106 IVB2(b)(ii)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 18, 19, 22, 25, 27-31, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706, and further in view of Nakagawa et al. Patent 6,530,025.

Referring to claims 8, 18, and 22, Fan et al. disclose an data processing apparatus (host 6 of Fig. 1, col. 4, lines 39-42) which can communicate with a computer via a network by using a any one of plural port numbers, each allocated in correspondence to a respective one of plural kinds of data processes, and which can execute all of the plural kinds of data processes, said data processing apparatus, comprising: a reception unit constructed to receive a request transmitted from the

computer via the network; an address unit constructed to obtain an address of a transferring source of the request received by said reception unit (step 406 of Fig. 4, col. 9, lines 16-22); a discriminating unit constructed to determine whether communication with the computer is to be permitted or not, based on the address obtained unit (col. 9, lines 16-22). Fan et al. further disclose port numbers that correspond to the kind of data process to be executed (col. 2-3, lines 65-67, 1-7). Fan et al. do not disclose expressly port number notifying means. Nakagawa et al. disclose a reception unit constructed to receive a request transmitted from the computer via the network, wherein the request includes a request to obtain a port number for transmitting data to be used in a data process (col. 10, lines 40-42); a specifying unit constructed to specify one of a plural port numbers (col. 6, lines 19-27); a port number notifying unit constructed to notify an address of the port number specified by said specifying unit in a case where a discriminating unit determines that communication with a computer is to be permitted (col. 6, lines 19-27), wherein the data process is executed in accordance with data in which the port number to which the data is transmitted is the port number notified by said port number notifying unit (col.6, lines 42-44). Fan et al. and Nakagawa et al. are combinable because they are from the same field of authorizing TCP communication systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify a computer of the connection port allotted for communication. The motivation for doing so would have been to inform the communicating computer of the location and corresponding application of the allotted

Art Unit: 2625

port number. Therefore, it would have been obvious to combine Nakagawa et al. with Fan et al. to obtain the invention as specified in claims 8, 18 and 22.

Referring to claims 9 and 19, Fan et al. disclose a discriminating unit for determining if communication with the computer is permitted, but do not disclose expressly a permission notifying unit. Nakagawa et al. disclose a permission notifying unit constructed to notify a computer of the fact that the communication is permitted in a case where a discriminating unit determines that communication with the computer is to be permitted (col. 6, lines 19-27). Fan et al. and Nakagawa et al. are combinable because they are from the same field of authorizing TCP communication systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify a computer whether communication is permitted. The motivation for doing so would have been to inform the communicating computer whether sent data will be accepted. Therefore, it would have been obvious to combine Nakagawa et al. with Fan et al. to obtain the invention as specified in claims 9 and 19.

Referring to claims 25 and 31, Nakagawa et al. disclose a port number obtaining unit constructed to obtain a port number of a transfer destination of data to be received by said reception unit, wherein said specifying unit specifies the port number obtained by said port number obtaining unit (col. 6, lines 19-27).

Referring to claims 27 and 33, Fan et al. disclose wherein said discriminating unit makes its determination based on the address, the port number, and permission information showing whether communication with the computer is to be permitted or not (col. 9, lines 16-22).

Referring to claims 28, 34, and 37, Fan et al. disclose an data processing apparatus (host 6 of Fig. 1, col. 4, lines 39-42) which can communicate with a computer through a network by using a any one of plural port numbers respectively allocated in correspondence to plural kinds of data processes, and which can execute all of the plural kinds of data processes according to data from a computer, said data processing apparatus. Fan et al. further disclose port numbers that correspond to the kind of data process to be executed (col. 2-3, lines 65-67, 1-7). Fan et al. do not disclose expressly port number notifying means. Nakagawa et al. disclose a reception unit constructed to receive, from the computer, a port number for transmitting data to be used in a data process (col. 10, lines 40-42); a specifying unit constructed to specify one of a plural port numbers (col. 6, lines 19-27); a port number notifying unit constructed to notify the computer of the port number specified by said specifying unit (col. 6, lines 19-27), wherein the data process is executed in accordance with data in which the port number to which the data is transmitted is the port number notified by said port number notifying unit (col.6, lines 42-44). Fan et al. and Nakagawa et al. are combinable because they are from the same field of authorizing TCP communication systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify a computer of the connection port allotted for communication. The motivation for doing so would have been to inform the communicating computer of the location and corresponding application of the allotted port number. Therefore, it would have been obvious to combine Nakagawa et al. with Fan et al. to obtain the invention as specified in claims 28, 34, and 37.



Referring to claims 29 and 35, Nakagawa et al. disclose a storage unit constructed to store the port number specified by said specifying unit (col. 6, lines 19-27). Fan et al. disclose a storage unit constructed to store an address of the computer which transmits the data in association with accepted port numbers (col. 9, lines 16-23). It is inherent that the port number specified by Nakagawa et al. and the address of Fan et al. is stored in RAM for computer processing.

Referring to claims 30 and 36, Fan et al. disclose a judgment unit constructed to check the address of the computer which transmits the data and the address of the computer stored in association with the port number in said storage unit with each other, and thus judge whether or not to execute communication with the computer (col. 9, lines 16-22)

5. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 and Nakagawa et al. Patent 6,530,025 as applied to claims 8 and 18 above, and in further view of Yonenaga et al. Patent 5,646,872.

Referring to claims 10 and 20, Fan et al. disclose a data processing apparatus, but do not disclose expressly the data processing apparatus is a printer. Yonenaga et al. disclose a computer that includes a printer (col. 1, lines 56-67). Fan et al. and Yonenaga et al. are combinable because they are from the same field of computer systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a printer within a computer. The motivation for doing so would have been to increase the portability of a computer-printer system.

Therefore, it would have been obvious to combine Yonenaga et al. with Fan et al. to obtain the invention as specified in claims 10 and 20.

6. Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 and Nakagawa et al. Patent 6,530,025 as applied to claims 25 and 31 above, and in further view of IANA Well Known Port Numbers.

Referring to claims 26 and 32, Fan et al. disclose utilizing a TCP and UDP session connection and executing means for executing a process according to the port number obtained by said port number obtaining means executed (step 418 of Fig. 4, col. 10, lines 1-6). Fan et al. do not disclose expressly a print process or an apparatus managing process. The IANA Well Known Port Numbers database teaches a first port number corresponding to a printing process for processing print data (0092 Network Printing Protocol, page 6) and a second port number corresponding to a managing process for processing the apparatus in accordance with command data (0002 Management Utility, page 1). Fan et al. and the IANA Well Known Port Numbers are combinable because they are from the same field of TCP and UDP communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to attempt printing and management sessions with the apparatus. The motivation for doing so would have been to remotely print documents or manage the computer from the network. Therefore, it would have been obvious to obtain the invention as specified in claims 26 and 32.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

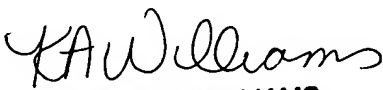
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH

A handwritten signature in black ink, appearing to be 'PKH' followed by a stylized flourish.

  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER